

KERN AUGUSTINE
CONROY & SCHOPPMANN, P.C.
1120 Route 22 East
Bridgewater, New Jersey 08807
(908) 704-8585
Attorneys for Defendant
RC-8060

DR. FADI CHAABAN; DR. SABINO R. TORRE;) UNITED STATES DISTRICT COURT
DR. CONSTANTINOS A. COSTEAS and) DISTRICT OF NEW JERSEY
DR. ANTHONY J. CASELLA, as Trustees of)
Diagnostic & Clinical Cardiology, P.A.) Civil Action
Profit Sharing Plan,) Case No. 2:08-cv-1567 (GEB - MCA)
Plaintiffs,)
) RETURN DATE: To be Set by the Court
v.)
) DECLARATION OF ROBERT J.
DR. MARIO A. CRISCITO,) CONROY IN SUPPORT OF MOTION
Defendant.) FOR SUMMARY JUDGMENT,
) PURSUANT TO FED. R. CIV. P. 56
)

I, ROBERT J. CONROY, of full age, do hereby declare:

1. I am an Attorney-at-Law of the State of New Jersey, and a member of the Bar of the United States District Court for the District of New Jersey, and a principal of the law firm of Kern Augustine Conroy & Schoppmann, P.C., counsel for the defendant in the above-captioned matter, Mario A. Criscito, M.D. ("Dr. Criscito"). I make this certification in support of the defendant's motion for summary judgment, pursuant to Fed. R. Civ. P. 56.

2. Appended hereto as Exhibit "A" is a true copy of the supplemental report of the plaintiffs' expert, Scott M. Feit, CPC, CPA, QPA, QKA dated April 14, 2010, and report dated May 28, 2009.

3. Appended hereto as Exhibit "B" is a true copy an extract from the transcript of the

deposition of Brian Warnock, which took place on June 16, 2009.

4. Appended hereto as Exhibit "C" is a true copy of a document allegedly faxed by the defendant to American Pension Corporation on January 13, 2000.

5. Appended hereto as Exhibit "D" is a true copy of a Morgan Stanley brokerage account statement for the month ending December 31, 1999.

6. Appended hereto as Exhibit "E" is a true copy of a 1999 year end statement for a Salomon Smith Barney brokerage account.

7. Appended hereto as Exhibit "F" is a true copy an extract from the transcript of the deposition of Anthony Casella, M.D., which took place on May 21, 2009.

8. Appended hereto as Exhibit "G" is a true copy of a Smith Barney brokerage account statement for the month ending October 31, 2007.

9. Appended hereto as Exhibit "H" is a true copy an extract from the transcript of the deposition of Brian Warnock, which took place on July 15, 2009.

10. Appended hereto as Exhibit "I" is a true copy of a document marked as Plaintiff's Exhibit Warnock 17 at the deposition of Brian Warnock on June 16, 2009.

11. Appended hereto as Exhibit "J" is a true copy of an extract from the "Money Purchase Safe Harbor Pension Plan Adoption Agreement" for the DCC Money Purchase Pension Plan for the year 1994.

12. Appended hereto as Exhibit "K" is a true copy of an extract from the Adoption Agreement for the American Pension Corporation Prototype Non-Standardized Money Purchase Pension Plan for the DCC Money Purchase Pension Plan for the year 2003.

13. Appended hereto as Exhibit "L" is a true copy of an extract from the Diagnostic & Clinical Cardiology, P.A., Profit Sharing Plan Plan for 2005.

14. Appended hereto as Exhibit "M" is a true copy of an extract from the transcript of the deposition of Scott M. Feit, which took place on July 21, 2010.

15. Appended hereto as Exhibit "N" is a true copy of an extract from the transcript of the deposition of Anthony Casella, M.D., which took place on June 22, 2009.

16. I declare under penalty of perjury that the foregoing statements made by me are true and correct.

/ s / Robert J. Conroy

Robert J. Conroy

Dated: Bridgewater, New Jersey
September 17, 2010